

Remarks/ Arguments

In response to the Office Action mailed September 17, 2004, Applicant respectfully requests that the Examiner reconsider the rejections of the claims. Applicant notes with appreciation the allowance of Claims 9 - 17, 19, 28 and 29, and the allowability of Claims 4, 7, 24, 25 and 27 over the prior art.

Claims 1 - 30 remain.

Claims 1, 4, 5, 18, 20, and 29 are being amended.

Claims have 9 - 17, 19, 28 and 29 been allowed.

Claims 4, 7, 24, 25 and 27 stand objected – to.

Claims 5, 18, and 29 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter Applicant regards as the invention. Applicant has amended Claims 5, 18, and 29 to more particularly provide a reference surface for defining the claim term “height.”

Claim 4, which stands objected – to, has been amended to include the limitations of former (un-amended) Claim 1.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Blakely* (U.S. Patent 4,391,458) (hereinafter “the *Blakely* reference”). Applicant respectfully traverses these rejections.

Anticipation rejections under 35 U.S.C. § 102(b) require identity of invention. In other words, each and every feature of each and every claim rejected as anticipated must be found in a single prior art reference. With respect to Claims 1 and 2, the *Blakely* reference does not disclose a gasket including tapered surfaces, wherein at least a portion of the tapered surfaces of the gasket are adapted to be compressed against a surface of a pipe disposed between the first and second sleeve members. Instead, the *Blakely* reference discloses an arcuate gasket 17 that only abuts the ends of pipes 15 when the two halves 10 and 10' of the *Blakely* coupling apparatus are

closed together. Additionally, in *Blakely* does not show tapered gasket edges which compress against the pipe.

Claims 1 – 3, 6, 8, 20 – 23, and 26 stand rejected under 35 U.S.C. § 102(b) as being anticipated by *Saito* (U.S. Patent 6,131,957) (hereinafter "the *Saito* reference"). Applicant respectfully traverses these rejections.

With respects to Claims 1 – 3, 6, and 8, the *Saito* reference also does not disclose a longitudinal gasket adapted to compress longitudinally along a portion of a surface of a pipe disposed between the first and second sleeve members. With respects to Claims 20 – 23, and 26, the *Saito* reference does not disclose a gasket disposed within a depression and adapted to longitudinally contact a portion of a surface of a pipe received by at least one of the first and second sleeve members.

In contrast, and as best seen in Figure 2 of the *Saito* reference, the longitudinal seals of *Saito* are spaced from the aperture that receives the primary pipe. Specifically, peripheral (longitudinal) seal segments 3b of the *Saito* reference sit in grooves 19, which are spaced from pipe 1 when the two halves of the joint is assembled. In other words, peripheral seals do not compress longitudinally against a portion of the outer surface of pipe 1.

No new matter has been added; the claims have been merely amended to more particularly claim the subject matter Applicant believes is inventive. Applicant respectfully submits that the Claims as they now stand are patentably distinct over the art cited during the prosecution thereof.

Applicant respectfully requests a two Month Extension of Time to File this Response. Enclosed with this paper is Form PTO/SB/22 with Extension Fees in the amount of \$225.00.

With the addition of no new claims, no additional filing fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayment to Deposit Account Number 20-0821 of Thompson & Knight LLP.

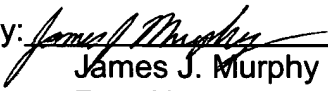
ATTORNEY DOCKET NO
039928.000006

PATENT
10 / 700,242

If the Examiner has any questions or comments concerning this paper or the present application in general, the Examiner is invited to call the undersigned at (214) 969-1749.

Respectfully submitted,

Thompson & Knight LLP
Attorneys for Applicant

By: 
James J. Murphy
Reg. No. 34,503

1700 Pacific Avenue
Suite 3300
Dallas Texas. 75201 - 4693
Date: February 2, 2005